Chair Senator Tom Courtney
Chair Senator Mary Lundby
Chair Representative Dwayne Alons
Representative Joe Hutter, VC
Representative Vicki Lensing, RM
Senator Michael Connolly
Senator Ron Wieck
Representative Clel Baudler
Representative George Eichhorn
Representative Scott Raecker
Representative Roger Thomas



Representative Wes Whitead Representative Cindy Winckler

State Capitol
Des Moines, IA 50319
LSA 515-281-6766
Fax 515-281-6625

June 29, 2005

Kevin Concannon, Director, Department of Human Services Gary Maynard, Director, Department of Corrections

At the June 21, 2005, Government Oversight Committee meeting, a discussion arose regarding the abuse incident at the Woodward Resource Center. Before deciding whether to include this incident as an agenda item for one of the upcoming meetings, the Committee requested that the Departments respond to a few questions.

- How long had inmates been working at Woodward prior to the incident?
- What screening process is used to determine which prisoners were assigned to the work detail at Woodward?
- Why was the decision made to allow prisoners to work in a situation where extremely vulnerable lowans were living?
- Why can State agencies decide to supervise prisoners on work details when those prisoners are the responsibility of the Department of Corrections?
- Are prisoners working at Glenwood Resource Center? If so, how are they supervised?
- How did the prisoner gain access to a patient at Woodward? What was the level of supervision that was taking place?
- What jobs were the prisoners doing for Woodward?

Please provide a written response by July 10 to Douglas Wulf, Legislative Services Agency, who will forward it to all Committee Members.

We appreciate your cooperation.

Sincerely,

Sen. Tom Courtney, Co-Chair, Sen. Ron Wieck, Co-Chair, and Rep. Dwayne Alons, Co-Chair.

cc: Kate Walton, DHS John Baldwin, DOC



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR SALLY J. PEDERSON, LT. GOVERNOR

Iowa Results Website (www.resultsiowa.org)

DEPARTMENT OF CORRECTIONS GARY D. MAYNARD, DIRECTOR

Website (www.doc.state.ia.us)

July 7, 2005

Douglas Wulf, Legislative Services Agency Iowa State Capitol Des Moines, IA 50319

Re: Incident at Woodward Resource Center

Dear Mr. Wulf.

The Department of Corrections appreciates the opportunity to provide clarifying information to the Government Oversight Committee members related to an incident that occurred at the Woodward Resource Center.

- 1. How long had inmates been working at Woodward prior to the incident?
 - Offenders have been working at the Woodward Resource Center for approximately three (3) years.
- 2. What screening process is used to determine which prisoners were assigned to the work detail at Woodward?

The North Central Correctional Facility (NCCF), a low risk offender prison, has the largest number of offenders working outside the facility's secured perimeter of any prison. By policy, offenders must meet certain criteria to qualify for minimum-outs work. This policy and related criteria is established by the Department of Corrections and NCCF. At NCCF, the offenders meet with a classification committee that is chaired by the Deputy Warden and typically includes the Nurse Manager, a Captain, and a counselor. The offender is evaluated by need and criteria to determine if the offender is qualified. If the offender is qualified, NCCF has three levels of minimum outs:

a. The most secure level is those offenders assigned to work outside the secure perimeter of the facility, but on institutional grounds supervised by the Correctional Trades Leaders.

The mission of the Iowa Department of Corrections is to: **Protect the Public, the Employees, and the Offenders**

- b. The next level of supervision is to work off state grounds but under the supervision a correctional employee, most typically an officer.
- c. The least restrictive level is the ability to work off state grounds under the supervision of a private-citizen that has been trained by the North Central Correctional Facility. This is the level that Cecil Smith was working at Woodward.
- 3. Why was the decision made to allow prisoners to work in a situation where extremely vulnerable lowans were living?

Offenders work at a variety of locations throughout the State. They work at state agencies, county courthouses, State Capitol, in cities, at non-profits, and for schools. Each time an agency requests offenders to work at their location, staff from the respective facility tours the agency and discusses the type of work, the level of supervision, and the risk involved. If the location meets our standards or criteria, then we begin the process of training the staff at that agency. We personally monitor the operation quarterly, and we visit regularly with the agencies to remain proactive in keeping issues to a minimum. Woodward met those standards as they did not allow the offenders to work with the mentally challenged individuals and they were not to be around the mentally challenged individuals without immediate supervision.

4. Why can State agencies decide to supervise prisoners on work details when those prisoners are the responsibility of the Department of Corrections?

lowa Code section 904.703 provides for inmates to work in the maintenance of state institutions such as Woodward pursuant to an lowa Code chapter 28E Agreement. Iowa Code section 904.703 also allows agencies to agree, pursuant to a 28E Agreement, on which entity provides for the supervision, security, transportation, and allowance paid to inmates. The Department of Corrections provides on-site training to agency staff on how to properly supervise and monitor inmates.

5. Are prisoners working at Glenwood Resource Center? If so, how are they supervised?

Inmates are not working at the Glenwood Resource Center.

6. How did the prisoner gain access to a patient at Woodward? What was the level of supervision that was taking place?

Cecil Smith was being directly supervised by an employee of Woodward. Each offender must be physically observed at least every thirty minutes by Woodward and NCCF procedures and every two hours by DOC policy. Offender Smith was

taking a fifteen-minute break and instead of going to the break area went into a building that he was not assigned to work in.

7. What jobs were the prisoners doing for Woodward?

Consistent with Iowa Code section 904.703 allowing inmates to perform maintenance at state institutions, the inmate at Woodward was doing general maintenance duties such as, mowing, weed-eating, moving furniture, painting, small repairs, etc.

Conclusion:

In response to this incident, I had our independent Department of Corrections *Inspector General Office* conduct an investigation into whether policy and the Code of Iowa were followed. The results of this investigation concluded:

The Department of Corrections Classification Policy was followed, which allowed the placement of this inmate in an off-grounds work assignment at Woodward given his minimum-custody status.

lowa Code section 904.701 (Hard Labor) requires the DOC to place all eligible inmates in a meaningful work assignment that averages at least 40 hours per week. Iowa Code section 904.703 provides for inmates to work in the maintenance of state institutions such as Woodward pursuant to an Iowa Code 28E Agreement, which was in place between the DOC and DHS. The North Central Correctional Facility staff provided training to DHS staff on working with and supervising inmate workers. This particular inmate had been working at the Woodward Facility for the past 6 months doing maintenance tasks.

Upon notification and learning of this incident, the offender was placed, and currently remains, in Administrative Segregation. The Boone County Sheriff's Office conducted a criminal investigation and referred to the Boone County Attorney for criminal charges. The Boone County Attorney has filed a criminal charge of *Sexual Abuse in the Third Degree*, which is a class C felony punishable by up to 10 years in prison.

In response to this incident, each correctional facility around the State provided refresher training to constituencies that utilize inmate labor on the duties and responsibilities of supervising inmate workers.

I have taken the liberty of attaching a document outlining the various agencies in Iowa that are currently utilizing inmate workers.

Please do not hesitate to contact me if additional information would be helpful.

Sincerely,

SaryMayuard Gary D. Maynard Director

Filings
Title: ST V CECIL RAY SMITH Case: 02081 FECR014972 (BOONE)

<u>Event</u>	Filed By	<u>Filed</u>	Create Date	<u>Last</u> <u>Updated</u>	<u>Status</u>		
WRITTEN PLEA OF NOT GUILTY		07/07/2005	07/07/2005	07/07/2005	CLOSED		
ORDER FOR ARRAIGNMENT	MOON MICHAEL J.	07/05/2005	07/05/2005	07/05/2005	CLOSED		
Comments: CONTINUED	7/11/05,1:00						
OTHER ORDER	MOON MICHAEL J.	06/28/2005	06/28/2005	06/28/2005	CLOSED		
Comments: FOR CONTINUANCE TO 7/5/2005, 1:00 PM							
ADDITIONAL MINUTES OF TESTIMONY		06/27/2005	06/27/2005	06/27/2005	CLOSED		
ORDER FOR ARRAIGNMENT	FINN TIMOTHY J	06/15/2005	06/15/2005	06/15/2005	CLOSED		
Comments: 6-27-05 AT 1:00							
TRIAL INFORMATION		06/15/2005	06/15/2005	06/15/2005	CLOSED		
OTHER EVENT		06/15/2005	06/15/2005	06/15/2005	CLOSED		
Comments: NON PUBLIC RECORD							
IDENTIFYING VICTIM							
WARRANT RETURNED		06/10/2005	06/10/2005	06/10/2005	CLOSED		
NO CONTACT ORDER	MALLOY JAMES B	06/10/2005	06/10/2005	06/10/2005	CLOSED		
Comments: VICTIM IS A JUVENILE							
HEARING FOR INITIAL APPEARANCE	MALLOY JAMES B	06/10/2005	06/10/2005	06/10/2005	CLOSED		
Comments: BOND SET AT \$15,000 C/S- MITTIMUS ISSUED							
PUB DEF APPT							

PRELIM IS 6/20/05 AT 9:00 AM

MITTIMUS ON APP SHEET

OTHER ORDER FINN 06/09/2005 06/09/2005 06/09/2005 CLOSED

TIMOTHY

J

Comments: FOR TRANSPORT

COMPUTER GENERATED 06/03/2005 06/03/2005 06/03/2005 CLOSED

NOTICE

Comments: ARREST WARRANT

CRIMINAL COMPLAINT 06/03/2005 06/03/2005 06/03/2005 CLOSED

Comments: 3RD DEGREE SEXUAL ABUSE

FOR WARRANT

ARREST WARRANT SMITH 06/03/2005 06/03/2005 06/10/2005 CLOSED

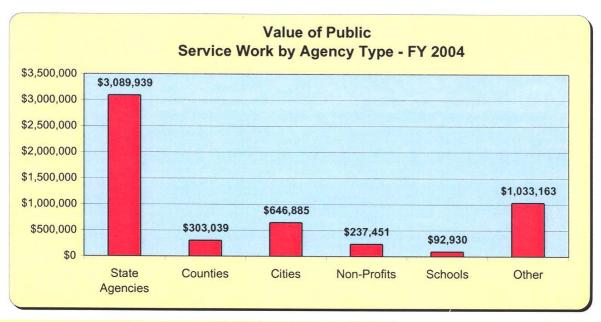
CECIL

RAY

			t of Corr					
	Offender Wor	k Repor	t-FY 05-	Agency S	ummary		1886.	
7/1/2004 To 7/7/2005								
Agency	Institutions Providing Crews	Crews	Offenders	Hours	Total Cost	Replacement Cost	% of Total Cost	
Grand Totals		10520	56539	607649.5	#VALUE!	\$6,076,494.60		
		Secretary .	epartments	100000000000000000000000000000000000000				
DOT	(ASP,MCC,ISP,NCF,FDCF)	1226	7521	62627.05	\$72,141.25	\$606,830.50	#VALUE!	
DEPT. FOR BLIND	(MCF) (MCC,ASP,MCF)	71	280	15724.4	\$67,432.26	\$157,244.00	#VALUE!	
DHS	(CCF,NCCF,MCF)	1964	10488	118806.43	#VALUE!	\$1,184,074.30	#VALUE!	
la. Nat. Guard	(NCC)	54	102	1771.25	\$925.97	\$17,637.50	#VALUE!	
Ames State Nursery	(NCC)	10	209	1441.5 1441.5	\$3,705.08 \$3,705.08	\$13,545.00	#VALUE!	
DOC	(NCF)	189	381	2667	\$4,199.28	\$13,545.00 \$26,670.00	#VALUE!	
State Historical Soc.	(NCF)	196	404	2880	\$4,276.43	\$28,800.00	#VALUE!	
Terrace Hill DAS	(NCF)	197	994	6685	\$10,525.76	\$66,850.00	#VALUE!	
DAS	(NCF)	215	1455	10183.5	\$15,668.50	\$101,835.00	#VALUE!	
Leg. Info.	(NCF)	186	206	1442	\$2,270.48	\$14,420.00	#VALUE!	
State Library	(NCF)	189	416	2912	\$4,585.04	\$29,120.00	#VALUE!	
Camp Dodge Alcohol Bev. Div.	(CIW)	141	2525	40492	\$22,203.30	\$404,920.00	#VALUE!	
ILEA	(CIW)	117	1632	31765 0	\$45,110.46 \$0.00	\$317,650.00 \$0.00	#VALUE!	
5th JD Comm. Corr.	(NCF)	0	0	0	\$0.00	\$0.00	#VALUE!	
IPI	(NCF)	236	1280	9098.75	\$10,691.08	\$90,987.50	#VALUE!	
Capitol Law Ia. Vets Home	(NCF)	164	173	1211	\$1,906.76	\$12,110.00	#VALUE!	
Conservation Commission	(NCC) (MPC)	0	2	120	\$0.00 \$63.00	\$0.00 \$1,200.00	#VALUE!	
Governor's Office	(FDC)	1	25	250	\$131.25	\$2,500.00	#VALUE!	
Totals		5167	28302	311518.38	#VALUE!	\$3,089,938.80		
WEBSTER	(FDC)	0	ounties 0	0	00.00	\$0.00	0.009/	
LEE	(ISP)	224	791	5513	\$0.00 \$3,004.16	\$0.00 \$53,590.00	11.70%	
CALHOUN	(NCC)	0	0	0	\$0.00	\$0.00	0.00%	
CARROLL	(NCC)	0	0	0	\$0.00	\$0.00	0.00%	
ALLAMAKEE	(ASP)	226	656	4843	\$2,542.58	\$48,430.00	9.90%	
JASPER	(NCF)	544	1602	11233	\$5,857.43	\$112,330.00	22.81%	
POLK	(NCF)	0	0	0.00	\$0.00	\$0.00	0.00%	
CHEROKEE	(NCC)	20	234	1803.50	\$3,667.39	\$18,035.00	14.28%	
HENRY Fort Dodge Housing Auth.	(MCF)	11	85 334	2270.6 3201.75	\$7,653.35 \$1,680.92	\$22,706.00	29.80%	
NC Ia. Reg. Solid Waste	(NCC)	2	73	609	\$319.73	\$32,017.50 \$6,090.00	6.54% 1.24%	
JOHNSON (Kent Park)	(MCC)	13	24	864	\$453.60	\$8,640.00	1.77%	
Appanoose	(MPC)	1	6	120	\$504.00	\$1,200.00	1.96%	
Totals		1149	3805	30457.85	\$25,683.13	\$303,038.50		
			icipalities					
Mitchellville	(CIW)	5	20	80	\$45.78	\$800.00	#VALUE!	
Ft. Dodge	(NCC)	18	37	245.5	\$128.89	\$2,455.00	#VALUE!	
Cherokee	(NCC)	32	125	1173.25	\$615.96	\$11,732.50	#VALUE!	
Glidden Manson	(NCC)	178 5	503	3898.75 157.5	\$4,898.07 \$82.60	\$38,832.50 \$1,575.00	#VALUE!	
Breda	(NCC)	2	13	68.5	\$82.69 \$35.96	\$1,575.00	#VALUE!	
Lake View	(NCC)	241	598.5	5288	\$23,449.07	\$52,545.00	#VALUE!	
Wall Lake	(NCC)	62	119	1050.75	\$551.64	\$10,507.50	#VALUE!	
Lohrville	(NCC)	64	127	1119.75	\$587.87	\$11,197.50	#VALUE!	
Rockwell City	(NCC)	0	0	0	\$0.00	\$0.00	#VALUE!	
Fonda	(NCC)	0	0	0.00	\$0.00	\$0.00	#VALUE!	
Ft. Madison Keokuk	(ISP)	232	1829	14484	\$7,154.70	\$136,280.00	#VALUE!	
Neokuk	(ISP)	214	1322	9276	\$4,730	\$90,100	#VALUE!	
Anamosa	(ASP)	0	0	0	\$0.00	\$0.00	#VALUE!	
Guttenberg	(ASP)	225	755	5972	\$5,487.30	\$59,720.00	#VALUE!	

N-C	(4.0m)						1
McGregor	(ASP)	179	181	1267	\$665.17	\$12,670.00	#VALUE!
Newton Newton	(ASP)	0	0	0	\$0.00	\$0.00	#VALUE!
Pomeroy	(NCF)	800	1673	12924.25	\$7,088.42	\$129,242.50	#VALUE!
Fomeroy	(NCC)	49	146	4067	\$1,881.60	\$35,840.00	#VALUE!
Jolley	(NCC)	18	27	045.5	\$400.00	40 455 00	#VALUE!
Lytton	(NCC)		37	245.5	\$128.89	\$2,455.00	#VALUE!
Sac	(NCC)	0	0	0	\$0.00	\$0.00	#VALUE!
	(NCC)	9	18	167	\$87.68	\$1,670.00	#VALUE!
Lakeside	(NCC)	9	18	167	\$87.68	\$1,670.00	#VALUE!
Carroll	(NCC)	5	13	87	\$961.28	\$870.00	#VALUE!
Humboldt	(NCC)	2	15	92.5	\$525.26	\$925.00	#VALUE!
Mt. Pleasant	(MCF)	10	21	2637.98	#VALUE!	\$26,379.80	#VALUE!
Coralville	(MCC)	2	10	180	\$899.43	\$1,800.00	#VALUE!
Alta	(NCC)	37	276	1675.75	\$879.77	\$16,757.50	#VALUE!
Lake City	(NCC)	1	2	17.5	\$9.19	\$175.00	#VALUE!
Rolfe	(NCC)	5	12	91	\$47.78	\$910.00	#VALUE!
Storm Lake	(NCC)	5	12	106.75	\$56.04	\$1,067.50	#VALUE!
Totals		2399	7879.5	66342.48	#VALUE!	\$646,884.80	
		Nor	=Profits				
Young at Arts	(FDC)	37	92	412	\$216.30	\$4,120.00	0.40%
Blanden Art Museum	(FDC)	0	0	0	\$0.00	\$0.00	0.00%
Twin Lakes Ch. Center	(NCC)	35	66	608.5	\$319.46	\$6,085.00	0.58%
Opportunity Living	(NCC)	23	71	508.5	\$266.96	\$5,085.00	0.49%
Monticello JC's	(ASP)	137	138	1248	\$655.20	\$12,480.00	1.20%
	(7.07)				7300120	Ţ.E,100.00	1120/0
Camp Courageous	(ASP)	0	0	0	\$0.00	\$0.00	0.00%
	(7.01)	-	-		ψ0.00	φ0.00	
							0.00%
Montauk at Clermont	(ASP)	0	0	0	\$0.00	\$0.00	0.00%
Our Saviors LC	(ASP)	16	18	90	47.25	900	0.09%
Rockwell City Cong. Meals	(NCC)	68	462	4034.25	\$2,085.69	\$39,727.50	3.81%
Co. Calhoun Family Devel.	(NCC)	59	274	2318.5	\$1,217.21	\$23,185.00	2.22%
Mission of Hope	(ASP)	0	0	0	0	0	0.00%
Birthright	(CIW)	0	0	0	\$0.00	\$0.00	0.00%
Animal Rescue League	(CIW)	51	299	10040	\$36,351.00	\$100,400.00	66.43%
Mennonite Central Comm.	(ASP,MCF)	0	0	0	\$0.00	\$0.00	0.00%
Other	(CIW)	16	31	406	\$1,515.15	\$4,060.00	2.77%
Lions Club	(NCC)	5	12	91	\$47.78	\$910.00	0.09%
Carroll Landfill	(NCC)	1	5	8.75	\$65.70	\$87.50	0.12%
Ride to the River	(ASP)	59	59	603	\$316.58	\$6,030.00	0.58%
Ames Horticulture	(NCC)	20	37	306	\$162.08	\$3,033.00	0.30%
Boone Headstart	(NCC)	12	42	306.75	\$600.36	\$3,067.50	1.10%
Habitat for Humanity	(FDCF,MPCF)	99	182	867	\$455.18	\$8,670.00	0.83%
Terrace Hill Soc.	(MCC)	36	38	482	\$9,619.05	\$4,820.00	17.58%
Salvation Army	(FDCF)	1	250	500	\$262.50	\$5,000.00	0.48%
Relay for Life	(FDCF)	2	4	14	\$7.35	\$140.00	0.01%
Rabiner Boys Ranch	(NCC)	29	96	1028.5	\$506.63	\$9,650.00	0.93%
Iowa Arboretum	(NCC)	22	22	207.25	\$2,632.59	\$2,072.50	4.81%
Totals		706	2176	23872.75	\$54,717.42	\$237,450.50	
			ol Districts				
Anamosa	(ASP)	14	14	84	\$44.10	\$840.00	0.98%
							0.00%
							0.00%
E. Allamakee	(ASP)	101	142	961	\$504.53	\$9,610.00	11.24%
Iowa Central Comm. Coll.	(NCC,FDC)	80	326	8688	\$3,763.20	\$79,120.00	83.85%
AEA 16	(MCF)	1	4	128	\$67.20	\$1,280.00	1.50%
DMACC	(FDC)	5	42	208	\$109.20	\$2,080.00	2.43%
University of Iowa	(MCC)	0	0	0	\$0.00	\$0.00	0.00%
Totals		201	528	10069	\$4,488.23	\$92,930.00	100.00%
			Other				
Newton Armory	(NCF)	164	339	1890	\$987.26	\$18,805.00	0.68%
Federal Surplus	(NCF)	161	274	1771	\$2,788.50	\$17,710.00	1.92%
Special Crew	(NCF)	487	4034	31621.75	\$107,972.30	\$315,235.00	74.31%
Head Start	(NCC)	1	3	11.25	\$5.91	\$112.50	0.00%
Miscellaneous	(CIW)	16	31	406	\$1,515.15	\$4,060.00	1.04%
Leader Dogs	(NCC)	69	1787	68140	\$32,027.10	\$677,240.00	22.04%
	1				7.2., 2.2.1.1	75,22.10.00	0.00%
							0.00%
							0.00%
							0.00%
Totals		898	6468	103840	145,296.21	1,033,162.50	0.0076
		000	0400	100040	140,200.21	1,000,102.00	

PUBLIC SERVICE CHARTS



2/1/2004 to 7/7/2005

